THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11239 of 2000

Dated 11.11.2005

Between:

N Vijayalakshmi, rep by the father N Venkateswara Rao, S/o Late Sri Anjaiah, D. No. 44-15-72, Lenin Nagar, Gunadala, Vijayawada-5

..... PETITIONER

AND

State of Andhra Pradesh rep by Secretary to Government School Education, Education Department, 3rd Floor, J Block, A.P. Secretariat, Hyderabad.

.....RESPONDENT(S)

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 11239 of 2000

ORAL ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of respondents 3 and 4 in withholding the original SSC marks list, transfer certificate and conduct certificate pertaining to the petitioner as arbitrary, illegal and unlawful and to direct the respondents for payment of compensation for the mental torture and harassment suffered by the petitioner.

It is the case of the petitioner that as she could not join in the tuition classes, respondents 3 and 4 having bore grudge against her withheld her above stated certificates and due to the same, she has suffered a lot and therefore she prays for award of compensation.

When the matter is taken up for hearing, it is stated that the marks sheet and other connected documents pertaining to the petitioner were subsequently released her.

However, learned counsel for the petitioner contends that as the petitioner has suffered a lot because of the illegal acts of respondents 3 and 4 by withholding her documents illegally, she is entitled for award of compensation.

It is to be noticed that the petitioner has not made the institution as such as a party to the proceedings. Only Head master of the school is made a party to the writ petition and the society, which started the school, is not made a party. In the absence of there being proper parties to the writ petition, no direction can be issued for payment of compensation. Further, having regard to the allegations made by the petitioner against respondents 3 and 4, it is a matter which has to be adjudicated by a competent civil Court by recording the evidence. In that view of the matter, no direction can be issued at this stage for payment of any further compensation.

The writ petition is accordingly closed. No order as to costs.

11..11..2005

msv.